

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 108030-005PC		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/30061	International filing date (day/month/year) 24 September 2003 (24.09.2003)	Priority date (day/month/year) 26 September 2002 (26.09.2002)	
International Patent Classification (IPC) or national classification and IPC IPC(7): A45F 3/04, 3/16 C02F1/32 and US Cl.: 210/222,223,87; 422/186.3			
Applicant HYDRO-PHOTON, INC			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>4</u> sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 26 April 2004 (26.04.2004)		Date of completion of this report 01 April 2005 (01.04.2005)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230		Authorized officer Mr. Terry K. Cecil Jean Proctor Paralegal Specialist Telephone No. (571) 272-1700	

I. Basis of the report**1. With regard to the elements of the international application:***

- ☐ the international application as originally filed.
- ☒ the description:
pages 1-7 as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the claims:
pages 8, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages 10-13, filed with the letter of 01 November 2004 (01.11.2004)
- ☒ the drawings:
pages 1-6, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. STATEMENT**

Novelty (N)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Inventive Step (IS)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO
Industrial Applicability (IA)	Claims <u>Please See Continuation Sheet</u>	YES
	Claims <u>Please See Continuation Sheet</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 15-17, 19, 24, 26-29, 32, 35, 37, 38 and 42 lack novelty under PCT Article 33(2) as being anticipated by WO 00/71227. '227 teaches a purification module including a UV lamp and filter, wherein the lamp is powered by a DC source in response to a user-operated switch, valve, or flow sensor. The flow path includes a larger portion for flow by the bulb.

Claims 15-16, 19, 24-26, 32, 35-38 and 42-43 lack novelty under PCT Article 33(2) as being anticipated by Bodenstein. Bodenstein teaches filter 30 and purification module including a UV lamp and means for signaling DC power to the UV lamp including a flow sensor. A wider section is found adjacent the UV bulbs.

Claims 20, 33, and 40 lack an inventive step under PCT Article 33(3) as being obvious over Bodenstein in view of LeBleu. LeBleu teaches a battery for powering the UV lamps. It is considered that it would have been obvious to one ordinarily skilled in the art at the time of the invention to have the battery means of LeBleu to power the UV lamp of Bodenstein in order to have a means for powering the lamps during power outages.

Claims 1-14, 18, 21-23, 30-31, 34, 39 and 41 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest a wearable hydration system including a wearable bladder holder of claims 1-14; nor the push-pull valve or solar cells that are used to charge the batteries or wherein the power supply converts energy associated with the pumping action of the pump to DC power for use by the UV devices in combination with the purification modules of claims 18, 21, 23, 34, 39 and 41.

Claims 1-43 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

NEW CITATIONS

US 4,752,401 A (BODENSTEIN) 21 June 1988 (21.06.1988), see whole document.

WO 00/71227 A1 (LIFE SPRING LIMITED PARTNERSHIP) 30 November 2000 (30.11.2000), see whole document.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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PCT/US03/30061

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

V.1. Reasoned Statements:

The opinion as to Novelty was positive (Yes) with respect to claims 1-14, 18, 20-23, 30-31, 33-34, and 39-41
The opinion as to Novelty was negative (No) with respect to claims 15-17, 19, 24-29, 32, 35-38 and 42-43
The opinion as to Inventive Step was positive (Yes) with respect to claims 1-14, 18, 21-23, 30-31, 34, 39 and 41
The opinion as to Inventive Step was negative(NO) with respect to claims 15-17, 19-20, 24-29, 32-33, 35-38, 40 and 42-43
The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-43
The opinion as to Industrial Applicability was negative(NO) with respect to claims NONE